

REMARKS

In the Office Action mailed on December 23, 2009, the Examiner rejected claims 1, 3, 5, 7-14, 16 and 17 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,642,263 to Pine et al. ("Pine"). Claims 1-5, 7, 13 and 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,807,454 to Beadle ("Beadle"). Claims 6 and 15 were found to be allowable if rewritten in independent form.

In this Amendment and Response, Claim 1 is amended. Claims 3, 6 and 15 are canceled. New claims 18-30 are introduced. Support for the amendments can be found in the claims as filed. For at least the reasons stated below, Applicants respectfully request reconsideration and withdrawal of the rejection of the claims.

Allowable Subject Matter

The Office Action states that claims 6 and 15 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants thank the Examiner for pointing out allowable subject matter in claims 6 and 15. In the interest of expediting the subject application to allowance, Applicants respectfully submit that claim 1 is amended to include all of the limitations of claims 3 and 6. New claim 18 includes the limitations of previously amended claims 1, 3, 4 and 15. Applicants respectfully submit the claims are now in condition for allowance.

Rejections Under 35 U.S.C. § 102(b) over Pine

Claims 1, 3, 5, 7-14, 16 and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Pine.

Applicants respectfully submit that the claims are amended to recite the allowable subject matter identified by the Examiner. Specifically, claim 1 is amended to recite the limitations of claims 3 and 6. Applicants respectfully submit that the amendments to the claims render the rejections under 35 U.S.C. §102(b) moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections to claim 1.

Claims 5, 7-14, 16 and 17 depend, directly or indirectly, from claim 1. For the reasons stated above, Applicants respectfully submit that claims 5, 7-14, 16 and 17 are also in condition for allowance.

Rejections Under 35 U.S.C. § 102(b) over Beadle

Claims 1-5, 7, 13 and 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by Beadle.

Applicants respectfully submit that the claims are amended to recite the allowable subject matter identified by the Examiner. Specifically, claim 1 is amended to recite the limitations of claims 3 and 6. Applicants respectfully submit that the amendments to the claims render the rejections under 35 U.S.C. §102(b) moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections to claim 1.

Claims 2, 4-5, 7-14, 16 and 17 depend, directly or indirectly, from claim 1. For the reasons stated above, Applicants respectfully submit that claims 2, 4-5, 7-14, 16 and 17 are also in condition for allowance.

Applicants' Interview Summary

Applicants thank Examiner Kastler for participating in a telephonic interview on April 20, 2010 with Applicants' representatives (Ms. Deborah Vernon, Applicants' attorney registered to practice before the U.S. Patent and Trademark Office, Mr. Rüdiger Lotze, Applicants' European patent attorney, Mr. Gerd Faymonville, an inventor listed on U.S.S.N. 10/550,706 and an employee of the assignee, and Mr. Walter Gombert and Mr. Glynn Jones, employees of the assignee and colleagues with Mr. Faymonville.)

During the interview, Applicants' representatives discussed photographs of the claimed annealing rack and discussed the claim element "the shape of the at least one annealing basket is designed for a particular annealing stock." The Examiner stated that "without further description as to what either the annealing stock is or what the design is intended to provide, this limitation could be fairly met by any type or shape of annealing basket."

CONCLUSION

Applicants respectfully submit that all of the pending claims are in condition for allowance and requests early favorable action. If the Examiner believes a telephonic interview would expedite the prosecution of the present application, the Examiner is welcome to contact Applicants' Attorney at the number below.

Respectfully submitted,

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